

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION**

**JILL DILLARD, JESSA SEEWALD,
JINGER VUOLO, and JOY DUGGAR**

PLAINTIFFS

vs.

CASE NO. 5:17-5089-TLB

**CITY OF SPRINGDALE, ARKANSAS;
WASHINGTON COUNTY, ARKANSAS;
KATHY O’KELLEY, in her individual and
official capacities;
ERNEST CATE, in his individual and official capacities;
RICK HOYT, in his individual and official capacities;
STEVE ZEGA, in his official capacity;
And DOES 1-10, inclusive**

DEFENDANTS

**RESPONSE TO MOTION FILED BY ARKANSAS DEPARTMENT OF HUMAN
SERVICES TO QUASH SUBPOENA DUCES TECUM AND
REQUEST FOR ORDER TO COMPEL PRODUCTION OF SUBPOENAED
DOCUMENTS**

COMES NOW Separate Defendants, Kathy O’Kelley, in her individual and official capacities; Ernest Cate, in his individual and official capacities; and City of Springdale, Arkansas (collectively referred to herein as the “Springdale Defendants”), by and through the undersigned attorneys, for their Response to Motion filed by the Arkansas Department of Human Services (“DHS”) to Quash Subpoena Duces Tecum (“DHS Motion”) and Separate Defendants Request for an Order to Compel Production of Subpoenaed Documents state as follows:

1. Separate Defendants served a subpoena upon DHS on August 2, 2021. A copy of the subpoena is attached as Exhibit A and a copy of the proof of service (the “green card”) is attached as Exhibit B. After consultation with a DHS representative regarding the subpoena in which DHS confirmed the existence of the documents requested, counsel for Separate Defendants transmitted a copy of the protective order which has been filed in this case. Thereafter, the DHS Motion was filed.

2. Springdale Defendants admit paragraph one (1) of the DHS Motion.

3. Springdale Defendants deny paragraphs two (2) through six (6) including both paragraphs number three (3) of the DHS Motion.

4. The DHS Motion was filed outside of the time allowed and should be denied.

5. The reasons given in the DHS Motion, that a state law exempts production of the responsive documents under a subpoena of the United States District Court, is in error and the Motion to Quash should be denied.

6. The information sought by the Springdale Defendants' Subpoena Duces Tecum is integral to their ability to present a defense on behalf of the City of Springdale and the individual, separate defendants.

7. The DHS Motion should be denied and DHS should be ordered to produce any and all documents in its possession that are responsive to the Springdale Defendants' Subpoena Duces Tecum.

8. A brief in support of this response has been filed and is incorporated herein pursuant to Fed. R. Civ. P. 10(c).

WHEREFORE, Separate Defendants pray that this Court deny the DHS Motion to Quash and issue an Order compelling DHS to produce the documents it has admitted to having in its possession and which are responsive to the subpoena which is the subject of this response, and for all other just and proper relief.

Respectfully Submitted,

Morgan S. Doughty (Ark. Bar No. 2010158)
Thomas N. Kieklak (Ark. Bar No. 92262)
R. Justin Eichmann (Ark. Bar No. 2003145)
HARRINGTON, MILLER, KIEKLAK,
EICHMANN & BROWN, P.A.
4710 S. Thompson, Suite 102
Springdale, AR 72764
Phone: (479) 751-6464
Fax: (479) 751-3715
Email: mdoughty@arkansaslaw.com
Email: tkieklak@arkansaslaw.com
E-mail: jeichmann@arkansaslaw.com

and

Susan Keller Kendall (Ark. Bar No. 98119)
KENDALL LAW FIRM, PLLC
3706 Pinnacle Hills Parkway, Suite 201
Rogers, Arkansas 72758
Phone: (479) 464-9828
Fax: (479) 464-9768
Email: skk@kendalllawfirm.com

**COUNSEL FOR SPRINGDALE
DEFENDANTS**

CERTIFICATE OF SERVICE

I, the undersigned, do hereby certify that on the 30th day of August 2021, a true and correct copy of the above and foregoing was filed using the Court's CM-ECF System, which effected service on all counsel of record:

Steven E. Bledsoe Stephen G. Larson Jen C. Won LARSON O'BRIEN, LLP 555 S. Flower Street Suite 4400 Los Angeles, CA 90071 (213) 436-4888 sbledsoe@larsonobrienlaw.com slarson@larsonllp.com jwon@larsonllp.com	Shawn B. Daniels DANIELS FIRM 129 W. Sunbridge Drive Fayetteville, AR 72703 479-521-7000 Fax: 479-437-2007 shawn@danielsfirm.com
Jason Owens (Ark. Bar No. 2003003) JASON OWENS LAW FIRM, P.A. 1023 Main St., Suite 204 Conway, Arkansas 72033 (501) 764-4334 owens@jowenslawfirm.com	

- Morgan S. Doughty (Ark. Bar No. 2010158)